

REMARKS

Applicant appreciates the time taken by Examiner Oyebisi to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed April 13, 2009. This Reply encompasses a bona fide attempt to overcome the rejections raised by Examiner Oyebisi and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, complies with the written description requirement and is distinct. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Claim Status

Claims 1-40 were pending. Claims 1-40 were rejected. Claims 1, 4, 5, 8, 12, 22, 25 and 31 are amended herein. Support for the claims may be found at least at paragraphs 17-19 and 32. Claims 4, 11, 24 and 36 are canceled. No new claims are added. Thus, Claims 1-3, 5-10, 12-23, 25-35 and 37-40 are pending.

Interview Summary

A telephonic interview was conducted on June 1, 2009 between Examiner Oyebisi and Agent Kevin Gust. During the interview, the claims were discussed in light of the newly referenced art. Applicant appreciates the time and effort taken by Examiner Oyebisi to review Applicant's present application and discuss the pending claims and the cited prior art.

Rejections under 35 U.S.C. § 103

Claims 1-40 stand rejected as obvious over U.S. Patent No. 6,334,110 ("Walter") in view of U.S. Patent No. 5,974,396 ("Anderson"). The rejection is respectfully traversed. Independent claims 8, 22 and 31 recite limitations similar to those recited in claim 1. Accordingly, traversal to the rejection will be collectively discussed herein with respect to claim 1.

Embodiments as claimed in claim 1 are directed to a market analysis system comprising:  
market analysis system comprising:

- a computer processor;
- a computer readable storage medium;
- a database stored on the computer readable storage medium comprising aggregate transaction data; and
- a software program stored on the computer readable storage medium executable by the processor to:

receive a set of transaction data from an electronic exchange where market transactions are conducted electronically via the Internet;  
store the set of transaction data in the database;  
categorize products and services from the aggregate transaction data into a plurality of standard pricing groups according to configuration information received at the market analysis system from one or more suppliers that participate in the electronic exchange, wherein the configuration information includes standard pricing group attributes, wherein the standard pricing group attributes include a value corresponding to a delivery term, a locale, a product, a service, a customer type, a time scale, or a sales channel;  
determine at least one statistical analysis to be applied to one of the plurality of standard pricing groups;  
define starting values and default parameters of the at least one statistical analysis to be applied to the standard pricing group;  
apply the at least one statistical analysis to the standard pricing group to derive a set of results, wherein the set of results include a time-windowed relationship within the standard pricing group; and  
communicate the set of results from the at least one statistical analysis to a supplier that participates in the electronic exchange.

In the rejection, the Examiner states that Walter discloses, *inter alia*, defining standard pricing groups according to configuration information received at the market analysis system from one or more suppliers. Applicant respectfully submits that Walter, alone or in combination with Anderson, fails to teach the limitations of claim 1.

Regarding Anderson, Applicant maintains the position stated in Applicant's Reply to Office Action mailed September 7, 2007:

"Anderson explicitly teaches clustering products in order to analyze customer habits. For example, a particular brand of cat food would be included in a generic cluster entitled pet foods. See, Col. 10, lines 24-26. As such, Anderson is not concerned with the details of any particular cat food product or the comparison of any two brands of cat food, but is instead concerned with data showing that a customer does buy pet food. Thus, Anderson ... [is] concerned with analyzing customer data such as spending habits and fail[s] to teach or suggest analyzing transaction data with respect to standard pricing groups of products/services." (See, Reply to Office Action dated September 7, 2007, page 11, lines 23-33.)

Thus, Applicant's analysis of products or services that are categorized into standard pricing groups would produce a different result from any analysis performed by Anderson on customer behavior.

Applicant respectfully submits that the teachings of Walter are similar to the teachings cited in the previously cited prior art references. That is, Walter categorizes customers based on their behavior and then markets products based on this behavior. (See, Walter, Col. 1, lines 36-42, Col. 2 and lines 6-8.) For example, Walter describes the situation in which a customer

("Willard") is interested in infant toys and sporting goods. Walter groups Willard in with a cluster of skiers who browse infantware. Applicant submits that this scenario is not unlike the scenario pointed out by Applicant in the Anderson reference. In other words, Walter appears to group Willard in with a group of skiers by grouping people who are interested in infant toys and sporting goods with other people who like to ski and browse infantware.

In contrast, embodiments disclosed by Applicant analyze and categorize the products. As mentioned in Applicant's Reply to Office Action dated September 7, 2007:

"...in embodiments as claimed, products or services may be categorized into a product or service group (i.e., a standard pricing group) and a statistical analysis may be selectively performed to derive results with respect to the standard pricing group. As an example, a statistical analysis of unsuccessful transactions may determine that the product or service was overpriced. Alternatively, the statistical analysis may reveal that there were other factors important to the customer, such as a particular supplier location being closer to customers, extended warranties with a product, product terms, etc. See, page 13, para. [0032]." (See, Reply to Office Action dated September 7, 2007, page 12, lines 1-7.)

Thus, Applicant respectfully submits that Walter's description of grouping people who buy infant toys with people who browse infantware and/or people who browse sporting goods with skiers is unlike Applicant's categorizing goods or services into standard pricing groups, and that Walter alone or in combination with Anderson, fails to teach the limitations of claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

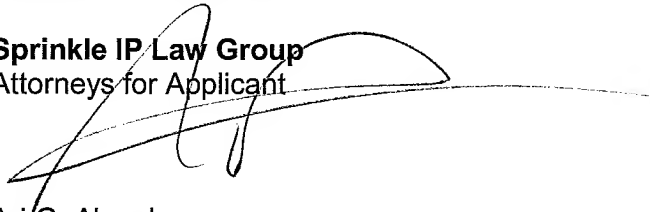
Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-3, 5-10, 12-23, 25-35 and 37-40. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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